THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO.17565 of 2005

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Dated: 09.08.2005

Between:

Yerranuthala Krishnarjuna Rao S/o. Chinnaiah
R/o. Gandhinagar Bhadrachalam
Khammam District.

..... PETITIONER

AND

1 The Mandal Revenue Officer
Bhadrachalam Mandal Bhadrachalam
Khammam District and another.

....RESPONDENTS

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO.17565 of 2005

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ORDER:

The present writ petition is filed seeking a Mandamus declaring the action of the first respondent in interfering with the peaceful possession and enjoyment of the land of the petitioner admeasuring 0.10 cents situated in Survey No.88 of Bhadrachalam, Khammam District pending disposal of the appeal filed before the 2nd respondent under Section 10(II) of the A.P. Land Encroachment Act (for short 'the Act) as illegal and arbitrary and to direct the 2nd respondent to dispose of the statutory appeal filed by the petitioner.

The petitioner claims to be in possession and enjoyment of land admeasuring 0.10 cents situated in Survey No.88 of Bhadrachalam, Khammam District. It is stated that earlier when the respondents issued Section 7 notices and interfering with their possession and enjoyment of the lands, the petitioner and others filed W.P.No.22581 of 1995, wherein this Court by order dated 16.12.2004 directed the first respondent not to evict the petitioners therein from the lands in their possession until appropriate orders are passed under Section 6 of the Act. It is further submitted that without passing any orders as directed by this Court, again fresh notice was issued to the petitioner under Section 7 of the Act, for which the petitioner submitted his explanation. It is submitted that without considering his explanation, the 1st respondent passed orders under Section 6 of the Act for evicting the petitioner from the land in question on 07.05.2005 and as against the said orders, the petitioner filed an appeal along with interim stay application before the 2nd respondent. The grievance of the petitioner is that while pending the said appeal, the 1st respondent is interfering with his peaceful possession and enjoyment of the land in question. Hence, the writ petition.

Heard the learned counsel for petitioner and the learned Government Pleader for Revenue. Both the counsel agreed to dispose of the writ petition at the admission stage itself.

Having regard to the fact that the appeal filed by the petitioner as against the impugned notice dated 07.05.2005 issued under Section 6 of the Act is pending before the 2nd respondent, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition directing the 2nd respondent to dispose of the appeal filed by the petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order in accordance with law. Till such time *status quo* obtaining as on today shall be maintained by the parties.

With the above direction, the writ petition is disposed of. No order as to costs.

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(ELIPE DHARMA RAO, J)

Date: 09.08.2005

Nsr